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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,192	08/21/2001	Shigeki Matsumoto	450100-03419	7724
20999	7590	05/19/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			BURGESS, BARBARA N	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,192

Applicant(s)

MATSUMOTO, SHIGEKI

Examiner

Barbara N. Burgess

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3-21-05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to Amendments filed by Applicants on February 10, 2005. Claims 1-8 are presented for further examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamakita (hereinafter "Yam", European Patent Application 0 865 192 A2).

As per claim 1, Yam discloses data communication system for sending and receiving e-mail between electronic devices by an e-mail system using a transmission control protocol/Internet protocol (TCP/IP) as a communication protocol, said data communication system comprising:

- A transmitting electronic device including at least an e-mail sending/receiving function, for attaching obtained original data to the e-mail, adding a processing command and sending the e-mail to a network (column 1, lines 1-3, column 3, lines 4-7, column 5, lines 4-10);
- Wherein said processing command is selected by a user of the transmitting electronic device before sending the obtained original data (column 9, lines 30-48, column 10, lines 8-15, 18-21, 37-47, column 11, lines 35-51);

- A relay server for receiving the e-mail sent from said transmitting electronic device, processing the original data attached to the e-mail based on the added processing command, attaching the processed data to the e-mail, and sending the e-mail to a receiving electronic device (column 3, lines 9-16, 28-31, column 5, lines 25-40, column 6, lines 1-7, 24-30).

As per claim 2, Yam discloses a data communication system according to claim 1, wherein said electronic devices comprise an image pick-up device for capturing still image data as the obtained original data, and the processing command comprises an editing command for editing the still image data (column 1, lines 52-58, column 3, lines 26-30, column 5, lines 14-24).

As per claim 3, Yam discloses a data communication system according to claim 1, wherein the processing command is in a text format and is predetermined by an agreement between said transmitting electronic device and said relay server (column 5, lines 48-58).

As per claim 4, Yam discloses a data communication system according to claim 1, wherein said transmitting electronic device is connected to said network via communication means using Bluetooth standards (column 5, lines 25-35, column 13, lines 15-17, 28-30) .

As per claim 5, Yam discloses a data communication method for sending and receiving e-mail between electronic devices by an e-mail system using a TCP/IP as a communication protocol, said data communication method comprising the steps of:

- Attaching original data obtained in a transmitting electronic device to the e-mail adding a processing command and sending the e-mail from said transmitting electronic device to a network (column 1, lines 1-3, column 3, lines 4-7, column 5, lines 4-10);
- Selecting said processing command, as a function of user input, for the transmitting electronic device before sending the obtained original data (column 9, lines 30-48, column 10, lines 8-15, 18-21, 37-47, column 11, lines 35-51);
- Receiving the email sent from said transmitting electronic device a relay server on said network, processing the original data attached to the e-mail based on the added processing command, attaching the processed data to the e-mail and sending the e-mail to a receiving electronic device (column 3, lines 9-16, 28-31, column 5, lines 25-40, column 6, lines 1-7, 24-30).

As per claim 6, Yam further discloses a data communication method according to claim 5, wherein said transmitting electronic device comprises an image pick-up device for capturing still image data as the obtained original data, and the processing command comprises an editing command for editing the still image data (column 1, lines 52-58, column 3, lines 26-30, column 5, lines 14-24).

As per claim 7, Yam discloses a data communication method according to claim 5, wherein the processing command is in a text format and is predetermined by an agreement between said transmitting electronic device and said relay server (column 5, lines 48-58).

As per claim 8, a data communication method according to claim 5, wherein said transmitting electronic device is connected to said network via communication means using Bluetooth standards (column 5, lines 25-35, column 13, lines 15-17, 28-30).

Response to Arguments

The Office note the following arguments:

- (a) Yamakita does not disclose the amended claims 1 and 5.
- 3. Applicant's argument filed has been fully considered but is not persuasive.

In response to:

- (a) Yamakita explicitly discloses the user of portable terminal inputting processing commands on the user's command input screen of the portable terminal for processing at the host device (column 9, lines 30-48, column 10, lines 8-15, 18-21, 37-47, column 11, lines 35-51). Therefore, Yamakita, undoubtedly, discloses "wherein said processing command is selected by a user of the transmitting electronic device before sending the obtained original data".

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

International Publication No WO 00/42747

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

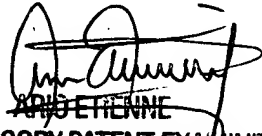
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess
Examiner
Art Unit 2157

May 10, 2005


ARLETTE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100